

**NEW JERSEY REGISTER**  
**VOLUME 36, NUMBER 9**  
**MONDAY, MAY 3, 2004**  
**RULE PROPOSAL**  
**CORRECTIONS**  
**STATE PAROLE BOARD**  
**DIVISION OF PAROLE RULES**

Proposed Amendments: 10A:72-1.3, 4.1, 4.2, 4.3, 4.5, 4.6, 4.9, 4.10, 4.12, 5.1, 5.3, 5.4, 5.7, 5.10, 6.1, 6.3 through 6.8, 8.1 and 8.2

Proposed Recodification with Amendment: N.J.A.C. 10A:72-1.5 as 1.4

Proposed New Rules: N.J.A.C. 10A:72-2 and 9

Proposed Repeals: N.J.A.C. 10A:72-1.4 and 8.3

Authorized By: New Jersey State Parole Board, John D'Amico, Jr., Chairman.

Authority: N.J.S.A. 30:4-123.48(d).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2004-174.

Submit comments by July 2, 2004 to:

Michael Dowling

Executive Director

New Jersey State Parole Board

PO Box 862

Trenton, NJ 08625-0862

The agency proposal follows:

## Summary

The proposed amendments, repeals and new rules are a result of the transferring of the Division of Parole in the Department of Corrections to the State Parole Board. The original rules pertaining to the Division of Parole were codified at N.J.A.C. 10:26, a chapter subject to the jurisdiction of the Department of Corrections. Upon the merger of the Division of Parole with the State Parole Board, the rules were administratively transferred to the jurisdiction of the State Parole Board and recodified as N.J.A.C. 10A:72. Based on the review of the rules, the State Parole Board has determined that amendments are necessary and, therefore, the State Parole Board proposed various amendments, including new rules, to the present rules.

A number of proposed amendments merely delete, where appropriate, references to the Commissioner of the Department of Corrections, other supervisory personnel of the Department of Corrections and the Department of Corrections; insert, where appropriate, reference to the Chairperson of the State Parole Board, other supervisory personnel of the State Parole Board and the State Parole Board; and correct references to administrative code citations. The primary proposed amendments and new rules are as follows:

1. The proposed amendments to the definition of "Central Communications Unit" in N.J.A.C. 10A:72-1.3 clarify that the Central Communications Unit within the Department of Corrections coordinates only communication functions related to the Division of Parole. The proposed amendments to the definition of "Division of Parole" provide that the Division of Parole supervises offenders serving mandatory parole supervision pursuant to the "No Early Release Act," N.J.S.A. 2C:43-7.2(c) and that the Division of Parole supervises parolees assigned to the Electronic Monitoring Program, deleting references to the Furlough Program and any other inmate community program. The proposed amendments to the definition of "parole officer" clarify that a parole officer shall be sworn peace officers. The proposed amendments to the definition of "parolee" provide that a parolee includes any person released to mandatory parole supervision pursuant to the "No Early Release Act," N.J.S.A. 2C:43-7.2(c).
2. It is proposed that present N.J.A.C. 10A:72-1.4 be repealed as said section is not deemed necessary as an Administrative Code provision.
3. Proposed new rule N.J.A.C. 10A:72-2.1 codifies the Division of Parole's procedure relating to the investigation of proposed parole residential plans submitted by inmates.
4. Proposed new rule N.J.A.C. 10A:72-2.2 codifies the Division of Parole's procedure relating to the assignment of parolees to an appropriate level of supervision.

5. Proposed new rule N.J.A.C. 10A:72-2.3 codifies the Division of Parole's procedure which requires the maintaining of a written record of contacts and events concerning the supervision of a parolee.

6. Proposed new rule N.J.A.C. 10A:72-2.4 codifies the Division of Parole's procedure requiring a parole officer to review a parolee's case with a supervisor for an assessment as to the appropriate action to be taken when a parole officer reasonably believes a parolee has seriously or persistently violated the conditions of parole.

7. The proposed amendments to N.J.A.C. 10A:72-4.2 establish that parole officers shall requalify with their authorized duty firearm on a semiannual basis on a firing range approved by the Police Training Commission; state that a District Office supervisor or designee is no longer required to maintain a master list of parole officers authorized to carry a firearm; and that the Director, Division of Parole, or designee shall maintain the current master list of parole officers authorized to carry a firearm and the required information to be maintained in said list.

The guidelines of the Attorney General for the State of New Jersey require that law enforcement personnel requalify on a semi-annual basis with any weapon carried on a regular basis as part of an officer's equipment for performance of routine official duties. As parole officers function as law enforcement personnel, the State Parole Board believes that it is appropriate to require semi-annual requalification to insure the safety of parole officers as well as promote public safety and ensure public confidence in the competency of parole officers in the performance of their duties. A proposed amendment deletes reference to the Firearm Unit Weapon Card as said card is not deemed to be a document necessary for the identification of a person as a parole officer of the State Parole Board.

8. The proposed amendments to N.J.A.C. 10A:72-4.3 establish, in part, that a parole officer entering a county correctional facility must store his or her firearm in the designated area at the facility or at an approved Board authorized weapons storage unit; that a parole officer must report within 24 hours the loss of a photo identification card or badge; and that an authorized on duty firearm shall not be utilized by a parole officer in the performance of secondary employment.

9. Proposed amendments to N.J.A.C. 10A:72-4.5 establish that the effectuation of a lawful arrest is deemed a justifiable basis for the use of non-deadly force; eliminates reference to situations in which a supervisor believes that failure to comply constitutes an imminent threat to security or safety, as those general beliefs are specified in paragraphs 1 through 6; and eliminates reference to specific items which could be utilized in the exercise

of non-deadly force, because such reference is incongruent with the section heading.

10. Proposed amendments to N.J.A.C. 10A:72-4.6 clarify that the use of deadly force is not mandatory.

11. Proposed amendments to N.J.A.C. 10A:72-4.10 clarify that the training of parole officers in the proper methods and techniques of using force shall be provided at a Police Training Commission approved training facility.

12. The proposed amendments to N.J.A.C. 10A:72-4.12(f) require an incident report regarding the use of force is to be submitted within three working days (changed from 10 working days) following the incident to the Chairperson and the Executive Director as well as the Director, Division of Parole.

13. The proposed amendments to N.J.A.C. 10A:72-5.3 require that a parole officer shall requalify with their authorized off-duty firearm at least annually on a range approved by the Police Training Commission; that a District Office supervisor or designee is no longer required to maintain a master list of parole officers authorized to carry an off-duty firearm; that the Director, Division of Parole, or designee shall maintain the current master list of parole officers authorized to carry an off-duty firearm and the information required to be maintained in said list; and that the issuance of a weapon card and a parole officer carrying same is no longer required. The proposed deletion of paragraph (g) would permit a parole officer to change his or her authorized personal firearm preference without waiting until the next annual firearm qualifications period. However, in order to carry the new firearm, the parole officer must qualify in the use and handling of the approved off-duty firearm.

14. The proposed amendments to N.J.A.C. 10A:72-5.4 state that a parole officer shall take note of the specified information if the parole officer observes conduct believed to be in violation of the law and report same to the Chairperson, Executive Director and the Director, Division of Parole, as well as the Central Communications Unit, and the local law enforcement agency.

15. The proposed amendments to N.J.A.C. 10A:72-5.7 delete reference to N.J.S.A. 2C:39-7 (Persons Convicted of Certain Crimes) and 18 U.S.C. § 1202 Appx. Appendix to the United States Code (Persons Convicted of Certain Crimes) as a person convicted of these crimes would be terminated from employment as a parole officer and, therefore, the person would not be in a position to function as a parole officer. References to N.J.S.A. 2C:39-7 and 18 U.S.C. § 1202 Appx. are, therefore, not deemed necessary in subsection (a). The remaining proposed amendments state that the Chairperson or the Executive Director may suspend a parole officer from duty and, thereby, preclude a parole officer from carrying a firearm; require that the exercise of the authority of the Director, Division of Parole, to withdraw firearm

privileges is subject to review by the Chairperson or Executive Director; and state that it is the State issued firearm and badge, in lieu of the weapon card, that is to be turned into the Director, Division of Parole, upon a parole officer not being authorized to carry a firearm.

16. The proposed amendments to N.J.A.C. 10A:72-5.10 require that a parole officer is to report a lost or stolen off-duty firearm to the Chairperson, Executive Director and the Director, Division of Parole, as well as local law enforcement authorities and the Central Communications Unit; eliminate the necessity of reporting a lost or stolen weapons card; and require that the Director, Division of Parole, submit the parole officer's report of an incident to the Chairperson, Executive Director and Special Investigations Unit of the Board.

17. The proposed amendments to N.J.A.C. 10A:72-6.1 state that a parolee may be subject to a protective frisk at any time; that a parole officer may conduct a search of a parolee at any time if the parole officer has a reasonable articulable suspicion to believe that the search of the parolee will produce contraband or evidence indicating the parolee has violated or is violating a condition of parole; that a search of a parolee is to be conducted by a parole officer of the same gender; that a parole officer is not authorized to conduct a strip or body cavity search of a parolee; and that a parolee shall be searched prior to being transported pursuant to the provisions of N.J.A.C. 10A:72-8.1 through 8.5.

18. The proposed amendments to N.J.A.C. 10A:72-6.3 require that the reasonable suspicion of a parole officer to conduct a search of a parolee's residence must be articulable; clarify that the supervisor authorized to approve a parole officer's search of a parolee's residence must be an Assistant District Parole Supervisor or a high level supervisor; require that a parole officer must have the written voluntary consent of a person prior to searching any area of the parolee's residence that is exclusively under the control of that person; and establish standards for a parole officer's entry into a third party residence without a search warrant.

19. The proposed amendments to N.J.A.C. 10A:72-6.4 state that a parole officer is not to stop a moving motor vehicle; that a parole officer may search a stationary motor vehicle which is either owned and/or operated by a parolee; that the reasonable suspicion of a parole officer to conduct a search of a motor vehicle owned and/or operated by a parolee must be articulable; that the supervisor authorized to approve a search must be an Assistant District Parole Supervisor or a higher level supervisor; that a parole officer is not authorized to stop a motor vehicle in which a parolee is a passenger; and that a parole officer may not search a motor vehicle owned or operated by a third party without the written voluntary consent of the third party.

20. The proposed amendments to N.J.A.C. 10A:72-6.5 clarify that a parole officer must have the written voluntary consent of a person prior to searching any object in a motor vehicle exclusively owned or possessed by that person.

21. The proposed amendments to N.J.A.C. 10A:72-8.2 state the ratio of parole officers to parolees and inmates being transported in a State vehicle equipped with a protective screening device and a State vehicle not provided with a protective screening device; that parolees and inmates are to be carefully guarded to prevent escape and the receipt of contraband; that no communication between a parolee or inmate and a member of the public is to be permitted during transport; and that a special request of a parolee or inmate during transport not related to the purpose of the trip shall not be honored.

22. Existing N.J.A.C. 10A:72-8.3 is proposed for repeal as the provisions are incorporated in the proposed amendments to N.J.A.C. 10A:72-8.2.

23. Proposed new rules N.J.A.C. 10A:72-9.1 to 9.14 were previously a component of N.J.A.C. 10A:72. These rules expired on July 20, 2003 and upon review the State Parole Board has elected to propose the new rules for inclusion in N.J.A.C. 10A:72. The rules pertain to the monitoring of the activities and the supervision of individuals who volunteer to assist the Division of Parole in non-law enforcement activities relating to the supervision of parolees. The new rules are basically the same as the rules previously in effect. However, as a result of the Division of Parole being transferred from the Department of Corrections to the State Parole Board, references to the Department of Corrections have been replaced by references to the State Parole Board; in proposed new rule N.J.A.C. 10A:72-9.1(a)1 it is stated that the policies and procedures of the Volunteers in Parole Program to be disseminated, are established by the State Parole Board, not the V.I.P.P. supervisor; and in proposed new rule N.J.A.C. 10A:72-9.8(d) the State Parole Board has eliminated the requirement that the V.I.P.P. handbook be provided to certain Department of Corrections personnel because V.I.P.P. is a program under the jurisdiction of the State Parole Board not the Department of Corrections.

The notice of proposal is not subject to the calendar requirements of N.J.S.A. 52:14B-3(4) and N.J.A.C. 1:30-3.3(a) because the Board has provided a 60-day comment period and, therefore, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### Social Impact

The Bureau of Parole of the Department of Corrections by statutory amendment has been reconstituted as the Division of Parole within the State Parole Board. The consolidation of the Bureau of Parole within the State Parole Board placed the parole decision making process and the responsibility of supervision of

offenders under one direct authority. As employees of the State Parole Board, the management personnel, parole officers and administrative support staff of the Division of Parole are required to comply with the policy, procedures and directives of the Board relating to the parole hearing process and supervision process. The proposed amendments, repeals and new rules impact on the personnel of the Division of Parole as the proposed amendments, repeals and new rules provide for the performance of certain conduct by parole officers and clarify certain procedures to be complied with by parole officers.

The proposed amendments will also impact on certain third parties as the proposed amendments clarify the standard and procedures for the search of a third party's residence and motor vehicle.

### Economic Impact

The State Parole Board does not believe that additional funding is necessary to implement the proposed amendments and new rules as the Division of Parole is already within the State Parole Board and appropriate funding for the operation of the Division of Parole is provided through the established State budget process.

### Federal Standards Statement

The proposed amendments, repeals and new rules are not proposed under the authority of or in order to implement, comply with or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards or requirements. An analysis of the proposed amendments, repeals and new rules pursuant to Executive Order No. 27 (1994), P.L. 1995, c.65 is, therefore, not required.

### Jobs Impact

The proposed amendments and new rules pertain to parole matters. It is not anticipated that any jobs will be generated or lost if the proposed amendments, repeals and new rules are adopted.

### Agriculture Industry Impact

The proposed amendments, repeals and new rules will not have an impact on the agriculture industry in New Jersey.

## Regulatory Flexibility Statement

The proposed amendments and new rules impose no reporting, recordkeeping, or other compliance requirements upon small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq. The proposed amendments and new rules pertain to the functions of the Division of Parole of the State Parole Board. A regulatory flexibility analysis is, therefore, not required.

## Smart Growth Impact

The proposed amendments, repeals and new rules will not have an impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows :

### 10A:72-1.3

#### 10A:72-1.3 Definitions

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise[.] :

"Central Communications Unit" means the centralized communication center within the Department of Corrections which coordinates [certain] **communication** functions of the [Department of Corrections] **Division of Parole** on a 24-hour, seven day a week basis.

...

"Division of Parole" means the agency within the New Jersey State Parole Board which is charged with the preparation, release, and supervision of those offenders who are paroled by the New Jersey State Parole Board; **the supervision of parolees who are serving a mandatory period of parole supervision pursuant to N.J.S.A. 2C:43-7.2(c)**; the supervision of parolees from other states who have been accepted under the terms of the Adult and Juvenile Compacts for the Supervision of Parolees and Probationers; the supervision and/or monitoring of inmates **and parolees** assigned to the Electronic Monitoring Program [and Furlough Program]; the supervision of persons sentenced to community supervision for life; **and** the supervision of certain Executive Clemency cases[; and any other inmate community program such as the Work Release Program].

...

"Parole officer" means persons with the following Division of Parole titles that [may] **shall** be sworn as peace officers:

[1. Assistant Commissioner;]

[2.] **1.** Director, Division of Parole;

[3.] **2.** [Deputy Executive Director] **Assistant Directors** , Division of Parole;

Recodify existing 4.-6. as **3.-5.** (No change in text.)

[7. Supervisor, Parole Residential Facility;]

Recodify existing 8.-9. as **6.-7.** (No change in text.)

"Parolee" means any person who is subject to the parole jurisdiction of the New Jersey State Parole Board and has been released on parole[,]; **any person released to mandatory parole supervision pursuant to N.J.S.A. 2C:43-7.2(c);** [or] **any person** placed under supervision by reason of Executive Clemency[,]; or any person released from another state correctional facility who resides in New Jersey under the terms of the Adult and Juvenile Compacts for the Supervision of Parolee and Probationers.

...

10A:72-1.4

[10A:72-1.4 Forms]

[(a) The following forms related to the Division of Parole shall be reproduced from originals that are available by contacting the Standards Development Unit, New Jersey Department of Corrections:]

[1. 156 I OATH OF OFFICE;]

[2. 172 I CONTINUITY OF EVIDENCE--URINE SPECIMEN.]

[(b) The following forms related to the Division of Parole shall be reproduced from originals that are available by contacting the Division of Parole:]

[1. F-19 CHRONOLOGICAL SUPERVISION REPORT;]

[2. 844 II INCIDENT REPORT--DIVISION OF PAROLE.]

10A:72-1.4

10A:72-1.5

10A:72-[1.5] **1.4** Procedures

(a) (No change.)

(b) All written procedures shall be [forwarded] submitted to the [Chief of Staff, New Jersey Department of Corrections,] Board for review and approval [on or before February 15 of each year].

(c) (No change.)

## **SUBCHAPTER 2. COMMUNITY PLAN AND SUPERVISION**

10A:72-2.1

### **10A:72-2.1 Investigation of community release**

(a) Prior to parole release, each inmate must submit a proposed parole residence plan to the appropriate Board staff person.

**(b) Upon the proposed parole residence plan being provided to the appropriate District Parole Office, the District Parole Supervisor shall assign a parole officer to investigate the plan.**

**(c) The purpose of the investigation is to ensure that the inmate has a suitable residence upon his or her release to the community.**

**(d) The parole officer assigned to complete the investigation shall perform the following tasks:**

- 1. Verify, in person, that the residence location is a valid address;**
- 2. Verify, in person, that the host person or family is willing to provide housing and food for the inmate;**
- 3. Determine whether acceptance of the inmate in the residence would not be a violation of any law, rule or regulation prohibiting a person with a criminal conviction from residing at the proposed residence plan;**

**4. Determine whether the host person or family is willing to cooperate with parole supervision;**

**5. Determine whether the host person or family is willing to comply with the parole officer's law enforcement authority and to comply with any search initiated pursuant to N.J.A.C. 10A:72-6.1;**

**6. Advise, in writing, all interested law enforcement authorities of the proposed parole residence plan;**

**7. Prepare a written report which shall include:**

**i. A list of any outstanding warrants;**

**ii. Any recommendation(s) for any special conditions that the parole officer believes will assist the parolee in making a successful reintegration into the community; and**

**iii. The parole officer's recommendation as to the suitability of the inmate residing at the proposed parole residence; and**

**8. Submit the written report to the appropriate Panel.**

**10A:72-2.2**

**10A:72-2.2 Parole supervision status**

**(a) Each parolee shall be assigned a level of supervision appropriate to maintain public safety, reduce the likelihood of recidivism and to ensure the parolee's positive reintegration into the community.**

**(b) The assigned parole officer, in coordination with his or her immediate supervisor, shall, at the first visit reporting session, determine, unless otherwise specified by a Board panel or the Board, the level of parole supervision for each parolee.**

**(c) The assigned parole officer shall immediately review instances of non-compliance of a recurring or serious nature with established conditions of parole with their**

**immediate supervisor.**

**1. Upon review, if it is determined, by the supervisor, that the parolee is in non-compliance with parole conditions, the supervisor shall take appropriate remedial action commensurate with the seriousness of the violation(s).**

**2. Upon review by the assigned parole officer and their immediate supervisor, positive and constructive improvements in the parolee's adjustment to parole supervision may result in less restrictive levels of parole supervision or a recommendation for discharge from parole supervision pursuant to N.J.A.C. 10A:71-6.9. Thereafter, the level of parole supervision shall be periodically evaluated.**

#### **10A:72-2.3**

##### **10A:72-2.3 Chronological Supervision Reports**

(a) All contacts or events concerning the supervision of the parolee shall be recorded in the parole officer's casebook, hereafter known as the Chronological Supervision Report (CSR).

(b) Each CSR must begin with a "Problem Statement" identifying those areas in which the parolee may need improvement. The problem statement shall also include a case plan detailing the efforts to be taken by the parolee and the assigned parole officer to correct deficiencies.

#### **10A:72-2.4**

##### **10A:72-2.4 Violations of parole**

(a) Whenever the parole officer has a reasonable belief that the parolee has violated the conditions of parole, the parolee will receive immediate remedial counseling. If the violation is of a serious or persistent nature, the parole officer shall promptly review the parolee's case with his or her supervisor for the purpose of determining an appropriate response. Such review shall include a formal assessment of the parolee's risk to public safety and current rehabilitative needs.

(b) The response to a violation of a condition of parole shall be proportional to the risk to the community posed by the parolee, the severity of the violation, and the potential for long term positive outcomes. Responses may include, but not be limited to, the following:

**1. An adjustment to the parolee's reporting status;**

2. The imposition of any special condition(s) that will reduce the likelihood of recurrence of criminal or delinquent behavior; or

3. The imposition of a special condition requiring:

i. Assignment to and successful completion of an out-patient substance abuse treatment program;

ii. Assignment to and successful completion of the electronic monitoring program;

iii. Assignment to and successful completion of a day reporting center program; or

iv. Assignment to and successful completion of a residential community- based treatment program.

(c) If the least restrictive responses in (b) above are inappropriate, refer to (d) below.

(d) The parole officer shall initiate revocation procedures pursuant to N.J.A.C. 10A:71-7.1 and 7.2 when it has been determined in consultation with the appropriate supervisor that probable cause exists that a parolee has seriously or persistently violated a condition(s) of parole and that the evidence indicates that the parolee poses a danger to public safety or poses a flight risk.

SUBCHAPTER[S 2 THROUGH] 3. (RESERVED)

SUBCHAPTER 4. USE OF FORCE WHILE ON-DUTY

10A:72-4.1

10A:72-4.1 Parole officer[s authorized] **authorization** to carry firearm[s] while on duty

(a) Prior to being permitted to carry a firearm on duty, a parole officer[s] shall:

1. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the Police Training Commission (P.T.C.) approved Basic Course for Parole Officers [at the Correctional Staff Training Academy of the New Jersey Department of Corrections]; and

2. Have been sworn as a peace officer[s] by taking the oath of office and completing [Form 156 | OATH OF OFFICE] **the oath of office form** .

#### 10A:72-4.2

##### 10A:72-4.2 Firearms training, qualification[s] and requalification[ s]

(a) (No change.)

(b) Parole officers shall requalify [annually] **semiannually** on a range approved by the [New Jersey Department of Corrections] **Police Training Commission** .

(c) (No change.)

(d) Once a parole officer has qualified [on] with his or her approved firearm, the parole officer shall [receive the official State of New Jersey, Firearms Unit Weapons Card. Parole officers shall] be required to carry [the weapons card,] the official **State issued** badge and photo identification card [of the New Jersey Department of Corrections] while on duty.

(e) [Each Division of Parole district office supervisor or his or her designee shall be responsible for preparing and maintaining a current master list of each parole officer authorized to carry a firearm.] **The Director, Division of Parole, or designee shall maintain a current master list of all parole officers authorized to carry a firearm. The list shall include each parole officer's firearm qualification dates (new or expired), the model name and number of each parole officer's authorized firearm(s) and the serial number of the authorized firearm(s).**

[1. The master list shall be maintained by the Director, Division of Parole, or designee to indicate the parole officer's firearm qualification date (new or expired), model name and number, and serial number of the authorized firearm.]

[2. Each time the parole officer registers a firearm with the Director, Division of Parole, or designee, the Director, Division of Parole, or designee, is responsible for comparing the firearm qualification date, firearm model name and number, and firearm serial number contained on the master list against the State of New Jersey, Firearms Unit Weapons Card accompanying the firearms.]

#### 10A:72-4.3

#### 10A:72-4.3 On-duty firearm

(a)-(f) (No change.)

**(g) The parole officer entering any county correctional facility shall store his or her firearm in the designated area at the county correctional facility or at an approved Board authorized weapons storage unit.**

**[(g)] (h)** When an authorized firearm is believed to have been lost or stolen, the parole officer shall report this fact to the local law enforcement authorities and to the Director, Division of Parole, his or her designee or **the** designee of the [New Jersey Department of Corrections] **Chairperson** within three hours from the time the parole officer is aware that the firearm is missing.

**[(h)] (i)** When [a State of New Jersey, Firearms Unit Weapons Cards,] an official State issued photo identification card or badge [of the New Jersey Department of Corrections] is believed to have been lost or stolen, the parole officer shall notify the local law enforcement authorities and the Director, Division of Parole, **his or her designee** or **the** designee **of the Chairperson** [as soon as practicable] **within 24 hours from the time the parole officer is aware that the State issued official photo identification card or badge is missing .**

**(j) The authorized on-duty firearm shall not be utilized by a parole officer in the performance of any secondary employment.**

#### 10A:72-4.5

##### 10A:72-4.5 Non-deadly force; when justified

(a) The [Department justifies the] use of non-deadly force against persons **is deemed justified** only under the following circumstances:

1.-7. (No change.)

8. [In situations where a supervisor with the title of Assistant District Parole Supervisor or above believes that failure to comply constitutes an imminent threat to security or safety.] **To effectuate a lawful arrest.**

**[(b) Non-deadly force includes the use of chemical agents, batons, and other weapons which are not likely to cause death or serious injury.]**

#### 10A:72-4.6

#### 10A:72-4.6 Deadly force; when authorized

[(a) Deadly force shall be used against persons, except as stated in (b) below, on order of the following:]

[1. The Commissioner;]

[2. The Chief of Staff;]

[3. The Assistant Commissioner, Division of Operations;]

[4. The Director, Division of Parole; or]

[5. The Deputy Director, Division of Parole.]

[(b)] **(a)** The parole officer [shall] **may** use deadly force against persons when the parole officer reasonably believes that a lesser degree of force will be ineffective, and the person(s) presents an imminent threat of deadly force or serious bodily harm to the parole officer or a third party.

Recodify existing (c)-(h) as **(b)-(g)** (No change in text.)

#### 10A:72-4.9

#### 10A:72-4.9 Use of chemical agents; storage

(a) Only [Department of Corrections] **Board** approved chemical agents shall be used by parole officers.

(b)-(e) (No change.)

#### 10A:72-4.10

#### 10A:72-4.10 Training

(a) (No change.)

(b) Training in proper methods and techniques of using force shall be provided as part of the

Basic Course for Parole Officers provided at [the Correctional Staff Training Academy of the New Jersey Department of Corrections] a Police Training Commission approved training facility and shall be repeated annually.

#### 10A:72-4.12

##### 10A:72-4.12 Reports

(a)-(b) (No change.)

(c) The parole officer's supervisor shall fax, as soon as possible, all special reports to the [Central Office] Special Investigations [ Division] Unit **of the Board** and the [Office of the] Director, Division of Parole for review.

(d) The Director, Division of Parole , or designee shall immediately advise the [Chief of Staff and the Office of Public Information, New Jersey Department of Corrections] **Chairperson and Executive Director of the Board** of the following:

1.-4. (No change.)

(e) In emergency situations, the parole officer's supervisor or designee shall immediately notify the [Chief of Staff,] **Chairperson, the Executive Director of the Board and** the Director [or designee], Division of Parole **or designee** [, and the Office of Public Information of the New Jersey Department of Corrections].

(f) Within [10] **three** working days following the incident in which force was used, the District Parole Supervisor or designee shall prepare and submit [Form 844 II] INCIDENT REPORT-- DIVISION OF PAROLE along with a copy of the written report from the staff member(s) to the Director, Division of Parole, with copies to **the Chairperson and Executive Director of the Board.** [:]

[1. The Commissioner;]

[2. The Chief of Staff;]

[3. Assistant Commissioner, Division of Operations;]

[4. Central Office Special Investigations Division; and]

[5. The Director of Communications, Office of Public Information.]

(g) (No change.)

## SUBCHAPTER 5. USE OF PERSONAL FIREARMS AND USE OF FORCE WHILE OFF-DUTY

### 10A:72-5.1

#### 10A:72-5.1 Authorized off-duty firearm, ammunition and holsters

(a) (No change.)

(b) Prior to being permitted to carry a firearm off-duty, parole officers shall meet the following requirements:

1. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the Police Training Commission (P.T.C.) approved Basic Course for Parole Officers [at the Correctional Staff Training Academy of the New Jersey Department of Corrections]; and

2. Have been sworn as peace officers by taking the oath of office and completing [Form 156 l] **the OATH OF OFFICE form** .

(c) (No change.)

(d) The firearm to be carried off-duty shall be approved and authorized by the [New Jersey Department of Corrections] **Chairperson in consultation with the Director, Division of Parole** .

(e) Ammunition for the off-duty firearm shall be approved and authorized by the [New Jersey Department of Corrections] **Chairperson in consultation with the Director, Division of Parole** .

(f) The off-duty firearm shall be carried on the body in the holsters approved by the [Department of Corrections] **Chairperson in consultation with the Director, Division of Parole** .

(g)-(j) (No change.)

(k) When a firearm other than [a Departmentally issued] **an authorized on** duty firearm is selected for off-duty use , the parole officer shall be responsible for assuming the cost of the firearm, ammunition, holster and for maintaining his or her firearm in a safe and serviceable condition.

10A:72-5.3

10A:72-5.3 Firearms training, qualification and requalification

(a) (No change.)

(b) The parole officer shall requalify **at least** annually on a range approved by the [New Jersey Department of Corrections] **Police Training Commission** .

(c) (No change.)

(d) [Once a parole officer has qualified on his or her approved personal firearm, the parole officer shall receive the official State of New Jersey, Firearms Unit Weapons Card. The off-duty firearm the parole officer carries shall be the same one identified on the weapons card.] Parole officers authorized to carry an off-duty firearm shall be required to carry [the weapons card,] the official badge and photo identification card of the [New Jersey Department of Corrections] **Board** while carrying their off-duty firearm.

(e) [Each Division of Parole district office supervisor or designee shall be responsible for preparing and maintaining a current master list of each parole officer authorized to carry an off-duty firearm.] **The Director, Division of Parole or designee, shall maintain a current master list of all parole officers authorized to carry an off-duty firearm. The list shall include each parole officer's off-duty firearm qualification date(s) (new or expired), the model name and number of each parole officer's authorized off-duty firearm and the serial number of the authorized off-duty firearm.**

[1. The master list shall be maintained by the Director, Division of Parole, or designee to indicate the parole officer's firearms qualification date (new or expired), model name and number, and serial number of the authorized off-duty firearm.]

[2. Each time the parole officer registers a firearm with the Director, Division of Parole, or designee, the Director, Division of Parole, or designee, is responsible for comparing the firearms qualification date, firearm model name and number, and firearm serial number contained on the master list against the State of New Jersey, Firearms Unit Weapons Card accompanying the personal firearm.]

(f) (No change.)

[(g) Should a parole officer wish to change his or her authorized personal firearm as a matter of preference, the parole officer shall wait until the next annual firearms qualification period.]

10A:72-5.4

10A:72-5.4 Use of force while off-duty

(a) (No change.)

(b) Parole officers, while off-duty, shall not become involved with routine law enforcement duties as they apply to local law enforcement agencies. When a parole officer observes what he or she believes to be a violation of the law, the parole officer [may] **shall** take note of the vehicle description(s), license plate number(s), identifying characteristics of person(s) involved, and other relevant information and report such information to the local law enforcement agency having jurisdiction and to the Central Communications Unit of the New Jersey Department of Corrections , **Chairperson, Executive Director of the Board and the Director, Division of Parole** .

(c)-(e) (No change.)

10A:72-5.7

10A:72-5.7 Unauthorized [use] **carrying** of [personal] firearms [while off-duty]

(a) A parole officer shall not be authorized to carry [an off- duty] **a** firearm in the following instances:

[1. Where N.J.S.A. 2C:39-7 (Persons Convicted of Certain Crimes) is applicable;]

[2. Where 18 U.S.C. 1202 Appx. Appendix to the United States Code (Persons Convicted of Certain Crimes) is applicable;]

[3.] **1.** When the **Chairperson, Executive Director of the Board, the** Director, Division of Parole, or designee, [or a higher official of the Department of Corrections] has suspended the parole officer from duty [for any violation];

[4.] **2.** (No change in text.)

[5.] **3.** Any other situation where the Director, Division of Parole, or designee, may exercise his or her authority to withdraw [off- duty] firearms privileges, subject to the review by the [Chief of Staff of the Department of Corrections] **Chairperson or Executive Director of the Board** .

(b) In any of the instances in (a) above, [the State of New Jersey, Firearms Unit Weapons Card] **the State issued firearm and badge** shall be turned in to the Director, Division of Parole or designee.

#### 10A:72-5.10

##### 10A:72-5.10 Reporting incidents

(a) When an authorized off-duty firearm is believed to have been lost or stolen, the parole officer shall report this fact to the local law enforcement authorities and to the Central Communications Unit of the New Jersey Department of Corrections , **Chairperson, the Executive Director of the Board, the Director, Division of Parole, or designee** within three hours from the time the parole officer is aware that the firearm is missing.

(b) When [a State of New Jersey, Firearms Unit Weapons Card,] **an** official photo identification card or badge of the [New Jersey Department of Corrections] **Board** is believed to have been lost or stolen, the parole officer shall notify the local law enforcement authorities and the Director, Division of Parole, or designee as soon as practicable.

(c) (No change.)

(d) On the next working day after any incident as described in (a), (b) or (c) above, the parole officer shall report in writing to the Director, Division of Parole, or designee, the facts of the incident and identifying particulars of the incident. The Director, Division of Parole, or designee, shall forward the report for review to the [Chief of Staff, the Office of Public Information, and the Central Office Special Investigations Division of the New Jersey Department of Corrections] **Chairperson, the Executive Director of the Board and Special Investigations Unit of the Board** .

(e) (No change.)

#### SUBCHAPTER 6. SEARCH AND URINE MONITORING OF PAROLEES AND INMATES

#### 10A:72-6.1

##### 10A:72-6.1 Search of parolees; when authorized ; scope

[(a) Searches of parolees may be authorized by the New Jersey State Parole Board through the imposition of general or special conditions of parole.]

[(b)] **(a)** [Parolees] **A parolee** may be subject to [routine and random searches such as, but not limited to, scanning/testing device, canine, passive canine and pat searches] **a protective frisk at any time** .

[(c)] **(b)** [In addition to (a) and (b) above, a] **A** search of a parolee may be conducted **by a parole officer** at any time when **that parole officer has** a reasonable , **articulable** suspicion to believe that the search **of the parolee** will produce contraband or evidence **indicating** that the parolee has violated or is violating a condition of parole.

[(d)] **(c)** [Searches] **A search** of **a** parolee[s] shall be carried out in a reasonable manner and shall be reasonably related to the purpose of parole and the function of the parole officer.

[(e)] **(d)** A [pat] search of a parolee shall be conducted while the parolee is fully clothed and shall include, but is not limited to, the touching of the parolee's body through clothing, a thorough examination into pockets, cuffs and seams, the touching of the parolee's hair, and all personal property within the parolee's immediate control.

[(f)] **(e)** A search of a parolee [may] **shall** be conducted by a parole officer of [either] **the same** gender.

[(g)] **(f)** [Parole] **A parole** officer[s are] **shall** not **be** authorized to conduct **a** strip or body cavity search[es] **of a parolee** .

[(h)] Parolees may be subject to a pat-down of the outer clothing to determine whether they are in possession of a weapon.]

[(i)] **(g)** [Parolees] **A parolee** shall be searched prior to being transported **pursuant to N.J.A.C. 10A:72-8.1 to 8.5** .

### 10A:72-6.3

10A:72-6.3 Search of a parolee's residence; when authorized

(a) A parole officer may conduct a search of a parolee's residence when:

1. There is a reasonable **articulable** suspicion to believe that evidence of a violation of a condition of parole would be found in the residence or contraband which includes any item that the parolee cannot possess under the conditions of parole is located in the residence; and

2. [The search is approved by the parole officer's supervisor] **An Assistant District Parole Supervisor or a higher level supervisor provides prior approval for the search** or circumstances exist which require immediate action without prior approval from [the] **a** supervisor.

(b) Where the residence is jointly owned or shared by a parolee and another person(s), the parole officer:

1. (No change.)

2. May search any area of the residence or objects that are jointly shared by both the parolee and the other person, even if [that] **such other** person(s) objects to the search; and

3. May not search any area that is exclusively under the control of the other person(s) unless that person(s) [voluntarily] **provides written voluntary** consent[s] to the search.

(c) A parole officer shall not enter the home of a third party to search for a parolee without having a search warrant unless:

1. The parole officer [reasonably believes that the parolee resides at that address; or] **has an objectively reasonable basis to believe that:**

i. **The parolee named in the parole warrant resides in the home of the third party; and**

ii. **The parolee named in the parole warrant is in the home of the third party at that time; or**

2. The [home owner voluntarily consents to the search] **parole officer obtains written voluntary consent from an adult resident .**

#### 10A:72-6.4

#### 10A:72-6.4 Search of a motor vehicle; when authorized

(a) A parole officer may [stop and] conduct a search of a motor vehicle owned **and/or operated** by a parolee [or a motor vehicle not owned but driven by a parolee] **when the motor vehicle is stationary and** when there is a reasonable **articulable** suspicion to believe that:

1. (No change.)

2. [The search is approved by the parole officer's supervisor] **An Assistant District Parole Supervisor or a higher level supervisor provides prior approval for the search** or circumstances exist which require immediate action without prior approval from [the] a supervisor.

(b) A parole officer [may stop, but] shall not conduct a search of a motor vehicle when the parolee is a passenger in a motor vehicle that is owned and driven by another person unless[:]

[1. The parole officer has probable cause to believe that evidence or contraband is located in the motor vehicle or] the owner **or operator** of the motor vehicle [voluntarily] **provides written voluntary** consent[s] to the search[; and]

[2. The search is approved by the parole officer's supervisor or circumstances exist which require immediate action].

#### 10A:72-6.5

##### 10A:72-6.5 Search of objects in a motor vehicle

(a)-(b) (No change.)

(c) In an authorized motor vehicle search, a parole officer shall not search any object[s] that [are] **is** exclusively owned or possessed by [other] **another** person(s) in the motor vehicle unless[:]

[1. The parole officer has probable cause to believe that contraband is contained within the property of the other person(s); or]

[2. The] **the** other person(s) [voluntarily] **provides written voluntary** consent[s] to the search.

#### 10A:72-6.6

##### 10A:72-6.6 Reports

(a) The parole officer shall record incidents in which a search of a parolee, inmate, residence or vehicle was conducted [on Form F-19] in the Chronological Supervision Report.

(b) [Form F-19] **The Chronological Supervision Report** shall contain a minimum of the following information:

1.-4. (No change.)

10A:72-6.7

10A:72-6.7 Testing for prohibited substances

(a) (No change.)

(b) Parolees shall be tested:

1. When mandated by special condition of the [New Jersey State **Parole**] Board or the Division of Parole **pursuant to N.J.A.C. 10A:71-6.4** ;

2.-3. (No change.)

(c) (No change.)

10A:72-6.8

10A:72-6.8 Collection, storage and analysis of specimens

(a)-(b) (No change.)

(c) Testing shall be conducted using methods deemed reliable by the [ Department of Corrections] **Board** .

(d) (No change.)

(e) Each time a specimen is collected for the reasons stated in N.J.A.C. 10A:72-6.7, a continuity of evidence form provided by the [ Department] **Board** shall be completed and submitted with the specimen to the parole officer's district parole office which is responsible for maintaining custody over the specimen until on-site testing or specimen transfer to the testing laboratory.

(f) (No change.)

(g) When testing is conducted through urinalysis, specimens taken from parolees or inmates shall be voided directly into an approved specimen container and immediately labeled in the presence of at least one parole officer, parole staff member or authorized treatment staff member of the same gender as the parolee or inmate. Chain of custody of the specimen shall be maintained.

1. (No change.)

2. Urine specimen testing shall be performed on-site or at a licensed laboratory as determined by the [Commissioner] **Chairperson** or designee.

3.-5. (No change.)

6. For laboratory testing, the parole officer, staff member or authorized treatment staff member who signs the label as witness shall, as soon as reasonably practicable:

i. Record on the continuity of evidence form provided by the [ Department] **Board** the date and time the parole officer, parole staff member or authorized treatment staff member received the specimen, the parolee or inmate from whom the urine specimen was received, and the date and time of the specimen placement into a storage container and/or locked refrigerator or freezer;

ii.-iii. (No change.)

7. The date and time of the removal of the urine specimen from the district parole office as well as the date and time of urine specimen receipt by the testing laboratory shall be noted on continuity of evidence form provided by the [Department] **Board** by the person(s) performing these functions.

8. The [Department of Corrections] **laboratory** shall not proceed with [laboratory] testing any urine specimen unless the urine specimen arrives at the laboratory in a sealed and approved specimen container.

(h) (No change.)

## SUBCHAPTER 8. TRANSPORTATION OF PAROLEES AND INMATES IN CUSTODY

### 10A:72-8.1

10A:72-8.1 Use of State owned and privately owned vehicles

(a) (No change.)

(b) In emergencies when no State vehicle is available and the parole officer chooses to

transport parolees in a privately owned vehicle, the parole officer shall secure prior approval to transport parolees or inmates in the privately owned vehicle from the Director, Division of Parole, or designee. If approval is granted, the parole officer shall be:

1. Made aware of [Departmental] **Board** policy regarding the use of private vehicles and the liability provisions currently applicable as established by the Division of Budget and Accounting of the New Jersey Department of the Treasury; and

2. (No change.)

(c) (No change.)

#### 10A:72-8.2

##### 10A:72-8.2 Transport of parolees and inmates in custody

(a) State owned vehicles used to [escort] **transport** parolees and inmates in custody shall be equipped with protective screening devices to separate parolees and inmates from the driver.

(b)-(e) (No change.)

(f) Parole officers [escorting] **transporting** parolees or inmates shall be provided with necessary mechanical restraints which shall be used in accordance with N.J.A.C. 10A:72-4.8.

(g) Parole officers [escorting] **transporting** parolees and inmates in custody shall be armed with [Department of Corrections'] **Board** authorized weapons and ammunition. Any use of force shall be governed by N.J.A.C. 10A:72-4.

(h) When [escorting] **utilizing a State vehicle specified in (a) above to transport** parolees and inmates in custody, the ratio of [ escorting] **transporting** parole officers to parolees or inmates shall be two parole officers for one parolee or inmate, two parole officers for two parolees or inmates, and three parole officers for three parolees or inmates. **When utilizing a State vehicle specified in (d) above to transport parolees and inmates in custody, the ratio of transporting parole officers to parolees or inmates shall be two parole officers for one parolee or inmate, two parole officers for two parolees or inmates, and three parole officers for three paroles or inmates.**

(i)-(j) (No change.)

(k) The parolee(s) or inmate(s) shall be carefully guarded to prevent escape and receipt of contraband.

(l) No communication between the parolee(s) or inmate(s) and the public shall be permitted at

any time during transport.

(m) A parolee's or inmate's special requests during transport not related to the purpose of the trip shall not be honored.

#### 10A:72-8.3

[10A:72-8.3 Escorting procedures for parolees and inmates]

[(a) The parolee(s) or inmate(s) shall be carefully guarded to prevent escape and receipt of contraband.]

[(b) No communication between the parolee(s) or inmate(s) and the public shall be permitted at any time during escort.]

[(c) A parolee's or inmate's special requests during escort not related to the purpose of the trip shall not be honored.]

#### 10A:72-8.3

#### 10A:72-8.4

#### 10A:72-8.5

Recodify existing N.J.A.C. 10A:72-8.4 and 8.5 as 8.3 and 8.4 (No change in text.)

### SUBCHAPTER 9. VOLUNTEERS IN PAROLE PROGRAM (V.I.P.P.)

#### 10A:72-9.1

#### **10A:72-9.1 Volunteers in Parole Program (V.I.P.P.) Supervisor**

**(a) The Volunteers in Parole Program (V.I.P.P.) Supervisor, serving under the Director, Division of Parole, shall be responsible for the administration of the V.I.P.P. The V.I.P.P. Supervisor shall:**

- 1. Disseminate the policies and procedures of V.I.P.P. as established by the Board;**
- 2. Monitor and evaluate V.I.P.P. activities; and**

**3. Submit monthly and annual reports on V.I.P.P. activities to the Director, Division of Parole.**

**10A:72-9.2**

**10A:72-9.2 District Volunteers in Parole Program (V.I.P.P.) Coordinator**

**(a) The District Parole Supervisor shall designate a District V.I.P.P. Coordinator who shall be responsible for the coordination and supervision of V.I.P.P. activities within the District Office. The District V.I.P.P. Coordinator shall:**

- 1. Recruit volunteers;**
- 2. Assist in the orientation and training of volunteers;**
- 3. Coordinate the interviewing, screening and approval of volunteers;**
- 4. Assign volunteers to appropriate activities and/or services;**
- 5. Coordinate and monitor the supervision of volunteers; and**
- 6. Prepare annual reports of V.I.P.P. activities.**

**10A:72-9.3**

**10A:72-9.3 Recruiting volunteers**

**(a) Volunteers may be recruited by the V.I.P.P. Supervisor, the District V.I.P.P. Coordinator, or other interested individuals.**

**(b) Efforts shall be made to recruit volunteers from all cultural and socioeconomic segments of the community.**

**(c) When recruiting volunteers, emphasis shall be placed on the service to be provided and the qualifications of the prospective volunteer including:**

**1. Motivation;**

**2. Interest;**

**3. Background;**

**4. Training; and/or**

**5. Other qualifications which make the prospective volunteer the appropriate person to provide a needed service.**

**(d) Assistance in recruiting volunteers may be provided by a Department of Corrections staff member who is designated to coordinate volunteer services.**

#### **10A:72-9.4**

##### **10A:72-9.4 Eligibility for service as a volunteer**

**(a) A volunteer shall be at least 18 years of age.**

**(b) A former inmate may serve as a volunteer if his or her application is approved by the District Parole Supervisor and the Director, Division of Parole.**

**(c) No application to serve as a volunteer shall be denied on the basis of sex, race, religion or national origin.**

#### **10A:72-9.5**

##### **10A:72-9.5 Volunteer application**

**(a) Any person desiring to serve as a volunteer may obtain from the District Volunteers in Parole Program (V.I.P.P.) Coordinator the following forms:**

**1. Volunteer Application;**

**2. Request for Criminal History Record Information;**

**3. V.I.P.P. Volunteer Rules and Responsibilities;**

**4. General Waiver; and**

**5. Application for Clearance and Issuance of a Temporary Identification Card.**

**(b) The applicant shall complete and sign the forms in (a) above and return such forms to the District V.I.P.P. Coordinator, who shall schedule fingerprinting.**

**(c) All volunteers shall be fingerprinted.**

**(d) A copy of all applications shall be submitted by the District V.I.P.P. Coordinator to the Division of Parole V.I.P.P. Supervisor who shall:**

**1. Submit the Form Volunteer Application to the Board staff member who has been designated to coordinate volunteer services; and**

**2. Submit the Application for Clearance and Issuance of a Temporary Identification Card to the Special Investigations Unit of the Board.**

**(e) Applicants offering volunteer services in specialized fields requiring licensure or certification shall submit current and valid credentials for verification, along with the application.**

10A:72-9.6

**10A:72-9.6 Screening process**

**(a) Applicants shall be evaluated on the basis of:**

**1. Information entered on Volunteer Application;**

**2. Information provided at the interview; and**

**3. Information provided by Request for Criminal History Record Information and Application for Clearance and Issuance of a Temporary Identification Card.**

**(b) The District Volunteers in Parole Program (V.I.P.P.) Coordinator shall verify all pertinent information and approve or reject applicants after a thorough review has been made of the qualifications of the applicants and the needs of the District.**

**(c) The District V.I.P.P. Coordinator shall notify all applicants, in writing, of whether they have been approved or disapproved for participation in the V.I.P.P.**

10A:72-9.7

**10A:72-9.7 Volunteer responsibilities**

**(a) All volunteers shall agree to abide by the following rules:**

**1. Volunteer services shall be provided on a strictly volunteer basis, for which no money, gifts or compensation may be accepted;**

**2. The volunteer shall attend his or her assigned duties as scheduled by the District Volunteers in Parole (V.I.P.P.) Coordinator;**

**3. The volunteer shall not discuss Division of Parole business with unauthorized persons, and shall maintain confidentiality of information in accordance with N.J.A.C. 10A:71-2.1;**

**4. The volunteer shall not exchange gifts, money, personal services or other favors with any parolee or with any parolee's family or relative;**

**5. The volunteer shall notify the District V.I.P.P. Coordinator of possible violation of parole rules by a parolee;**

**6. The volunteer shall not engage in any volunteer activity while under the influence of alcohol or illicit drugs;**

**7. The volunteer shall not indulge in undue familiarity with parolees;**

**8. The volunteer shall not remove any case materials from the Division of Parole office;**

**9. The volunteer shall notify the District V.I.P.P. Coordinator if the volunteer desires to visit any State or county correctional facility;**

**10. The volunteer shall notify the District V.I.P.P. Coordinator of any condition or event which will affect or prevent the volunteer from continued participation in the Volunteer in Parole Program (V.I.P.P.); and**

**11. The volunteer shall not participate in any Division of Parole law enforcement activity.**

**10A:72-9.8**

**10A:72-9.8 Volunteer handbook**

**(a) The Division of Parole shall develop and publish a Volunteers in Parole Program Handbook which shall bear the date of publication on the cover or front page.**

**(b) The Volunteers in Parole Handbook shall include, but is not limited to:**

**1. An introduction which summarizes the history, goals and objectives of the Department of Corrections, the Board and the Division of Parole;**

**2. A summary of Division of Parole policies and procedures;**

**3. The responsibilities of volunteers as established in this subchapter;**

**4. A summary of volunteer services and activities as established in this subchapter; and**

**5. An explanation of the volunteer performance evaluation as established in this subchapter.**

**(c) Prior to publishing or republishing the Volunteers in Parole Program Handbook, the final draft shall be submitted to the Director, Division of Parole, for review and written approval.**

**(d) Each volunteer shall receive a copy of the Volunteers in Parole Program Handbook prior to assignment to an activity or service.**

**(e) The contents of the Volunteers in Parole Program Handbook shall be updated every two years.**

#### **10A:72-9.9**

##### **10A:72-9.9 Orientation and training of volunteers**

**(a) Each District Office shall provide orientation and training sessions to all volunteers prior to assignment to an activity or service. Orientation and training sessions shall include, but not be limited to:**

- 1. The rules of the Department of Corrections;**
- 2. The rules of the Board;**
- 3. The rules of the Division of Parole;**
- 4. The philosophy, goals, resources and programs of the Division of Parole;**
- 5. The duties and responsibilities of volunteers; and**
- 6. The appropriate exercise of authority by volunteers.**

#### **10A:72-9.10**

##### **10A:72-9.10 Supervision of volunteers**

**The supervision of volunteers shall be provided by the District Office supervising staff members to whom the volunteers have been assigned.**

#### **10A:72-9.11**

##### **10A:72-9.11 Performance evaluation**

**(a) The District Volunteers in Parole Program (V.I.P.P.) Coordinator, along with the volunteer's immediate supervisor, shall evaluate the performance of the volunteer after a trial period of four months, using Form 608.7 Volunteer Performance Evaluation.**

**(b) A performance evaluation shall include, but not be limited to, the following criteria:**

- 1. Attitude toward work;**
- 2. Relationship with co-workers and staff;**
- 3. Relationship with parolee; and**
- 4. Reliability.**

**(c) If the evaluation is unsatisfactory, a conference shall be scheduled with the volunteer, the District V.I.P.P. Coordinator, the immediate supervisor and any other appropriate staff member(s).**

**(d) Following the conference, the District V.I.P.P. Coordinator shall recommend to the District Parole Supervisor the retention or termination of the volunteer.**

**(e) The performance evaluation of a student intern shall be submitted according to the requirements of the educational institution attended by the student.**

**(f) A final evaluation using Form 608.7 Volunteer Performance Evaluation shall be completed on all volunteers.**

10A:72-9.12

#### **10A:72-9.12 Recognition of volunteers**

**The Division of Parole may schedule an annual event to acknowledge the contribution of volunteers.**

10A:72-9.13

#### **10A:72-9.13 Curtailing, suspending or discontinuing the services of a volunteer**

**(a) The District Parole Supervisor may curtail, suspend or discontinue the services of a**

**volunteer for reasons which include, but are not limited to:**

- 1. Any breach of confidentiality (see N.J.A.C. 10A:71-2.1, Records);**
- 2. An arrest of the volunteer;**
- 3. A physical or emotional illness;**
- 4. The inability to cooperate with staff;**
- 5. Irregular attendance; or**
- 6. Violation of the rules of the Volunteer in Parole Program (V.I.P.P.) as established in this chapter.**

10A:72-9.14

**10A:72-9.14 Reporting responsibilities**

**The District Volunteers in Parole Program (V.I.P.P.) Coordinator shall submit annual reports to the V.I.P.P. Supervisor which shall include a list of all volunteers listed by category for the fiscal year who have been terminated and the corresponding date of action.**

**36 N.J.R. 2136(a)**